

REMARKS

All claims excepting claim 28 have now been cancelled. Claim 28 stands rejected for indefiniteness and lack of written description. Claim 28 stands further rejected for anticipation by Chan et al. (Journal of Virology, 1992 66:5714-5725; hereafter “Chan”), Dillner et al. (International Publication No. WO 90/04790; hereafter “Dillner PCT”), and Dillner et al. (U.S. Patent No. 5,629,146; hereafter “Dillner US”). Applicants note that Dillner US is the U.S. National Stage of Dillner PCT. Claims 28 also stands rejected for anticipation by or alternatively for obviousness over Frazer et al. (International Publication No. WO 93/02184; hereafter “Frazer”).

Rejections under 35 U.S.C. § 112, first paragraph

Claim 28 stands rejected for lack of written description. In making this rejection, the Office states that “the claims are broadly drawn to multitude of ‘homologous’ sequences, functionally active variants thereof, ‘compounds’, and/or polypeptides of various sizes.” Claim 28 is now directed to a cytotoxic T-cell epitope consisting of the amino acid sequence of ICWGNQLFV (SEQ ID NO: 12), and the rejection may be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claim 28 also stands rejected for indefiniteness for reciting “functionally active variant thereof” and “having.” Claim 28 has been amended to delete the language objected to by the Examiner, and this rejection may also be withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

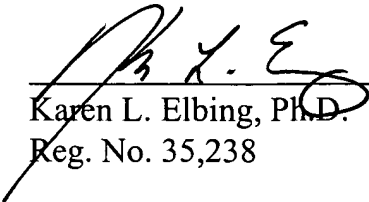
Claim 28 stands rejected for anticipation by Chan, Dillner PCT and US, and Frazer and alternatively for obviousness over Frazer. As stated above, amended claim 28 is directed to a cytotoxic T-cell epitope consisting of the amino acid sequence ICWGNQLFV (SEQ ID NO: 12). None of Chan, Dillner PCT, Dillner US, or Frazer teach or suggest a T-cell epitope having only the nine amino acids of SEQ ID NO: 12. The rejections for anticipation and obviousness may therefore be withdrawn.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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